

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 14, 2009**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB1609** by Hegar (Relating to the control of access to state highways by the Texas Department of Transportation.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to require the Texas Transportation Commission to adopt rules to provide procedures for appealing a district engineer's decision to deny access to a controlled access highway, including procedures that allow an applicant to appeal the denial to the design division of the Texas Department of Transportation (TxDOT); grant the requested access to the applicant if the appeal is not decided before the 46th day after the appeal was filed; and allow the applicant to appeal the decision of the design division to the executive director of TxDOT and the State Office of Administrative Hearings (SOAH).

Based on the analysis and information provided by TxDOT and SOAH, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 360 State Office of Administrative Hearings, 601 Department of Transportation  
**LBB Staff:** JOB, KJG, TG